

III. REMARKS

Claims 1-20 are pending in this application. By this amendment, claims 1, 6, 12 and 17 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested. In the Office Action, claims 1-20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Tock (U.S. Patent No. 7,146,403 B2), hereafter “Tock,” in view of Gelsinger *et al.* (U.S. Patent No. 5,892,511), hereafter “Gelsinger.” Applicant asserts that the Tock and Gelsinger references do not teach or suggest each and every feature of the claimed invention.

For example, with respect to independent claims 1, 6, 12 and 17, Applicant submits that the cited references fail to teach or suggest locating an ancestor window for an active window of the web application that is at least one of a sufficient size or adaptable to become of the sufficient size to display a login page. The Office admits that Tock does not teach this feature of the claimed invention, but instead relies on a passage of Gelsinger that teaches accessing the record of current windows to identify the current top-level windows. However, Gelsinger does not specify or suggest a size requirement for the identified window, much less that the identification locates a window that is or can be of sufficient size to display a login page. In contrast, the claimed invention includes “...locating, based on the request, an ancestor window for an active window of the web application, the ancestor window being at least one of a sufficient size or adaptable to become the sufficient size to display a login page.” Claim 1. As such, in contrast to

the simple identification of Gelsinger, the locating of the claimed invention locates an ancestor window for an active window of the web application that is or can be made to be a sufficient size to display a login page. Thus, the identifying of Gelsinger does not teach or suggest the locating of the claimed invention. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With further respect to independent claims 1, 6, 12 and 17, Applicant respectfully submits that the cited references also fail to teach or suggest displaying the login page in the ancestor window. The Office admits that Tock does not teach this feature, but rather cites a passage of Gelsinger that states that when a window that is to be the new active window is identified the active window is switched to the identified window. However, Gelsinger does not indicate that there is any change in the information on the activated window, merely that it becomes the new active window as is. Furthermore, Gelsinger does not reference login or authentication activities at all. To this extent, there is no teaching or suggestion in Gelsinger for displaying a login page in its activated window.

The claimed invention, in contrast, includes "...displaying the login page in the ancestor window." Claim 1. To this extent, the displaying of the claimed invention does not merely switch the active window to a previously identified window as does Gelsinger, but instead displays a login page in the ancestor window. Thus, the switching of Gelsinger does not teach or suggest the displaying of the claimed invention. Accordingly, Applicant respectfully requests withdrawal of the Offices rejection.

With still further respect to independent claim 1, Applicant respectfully submits that the cited references also fail to teach or suggest that the locating is performed based on a request that

requires authentication. As stated above, the Office admits that Tock does not teach the locating of the claimed invention, but rather relies on Tock. However, Tock does not teach or suggest that its identification is performed based on a request that requires authentication. Conversely, as stated above, Tock does not teach logins or user authentication at all. For the above reasons, the identification step of Tock does not teach or suggest the location of the claimed invention.

Accordingly, Applicant requests that the rejection be withdrawn.

With respect to dependent claim 4, Applicant respectfully objects to the Office's use of Official Notice. Specifically, the Office states that it is well known to use modal windows for special purposes such as "Login." Applicant respectfully asserts that the Office's factual assertion is not properly based upon common knowledge based on its context within the claimed invention. For example, Applicant asserts that locating an ancestor window that is modal for an active window is not obvious to one skilled in the art as asserted by the Office. In contrast, this action is contrary to recognized practice because the activation of an ancestor window in a modal environment is normally not possible so long as a child window is open. Accordingly, Applicant respectfully requests that the Office support the finding with references that show these features or withdraw the rejection.

With respect to dependent claim 5, Applicant again respectfully objects to the Office's use of Official Notice. Specifically, the Office states that it is well known to use an ancestor window as a top level window. Applicant again respectfully asserts that the Office's factual assertion is not properly based upon common knowledge based upon the context of the claim. For example, Applicant asserts that use of a top level window as a login window based on a request received in a child window is not obvious to one skilled in the art as asserted by the

Office. Accordingly, Applicant respectfully requests that the Office support the finding with references that show these features or withdraw the rejection.

With further regard to the 35 U.S.C. §103(a) rejection over Tock and Gelsinger, Applicant respectfully submits that there is no motivation within the references themselves or elsewhere in the art for modifying the references. Rather, the Office appears to have taken two disparate references that perform different tasks and attempted to pick and choose elements from each one without forging any relationship between the two. Specifically, the passages of Tock cited by the Office refer to making a determination as to whether a request is a login request without specifying whether specific window manipulation is performed to do so. Conversely, the passages of Gelsinger cited by the Office deal with manipulation of windows without any mention of user authentication. To this extent, it is apparent that the Office has used hindsight to connect these references. The Supreme Court has ruled that "A patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art." *KSR v. Teleflex*, 550 U. S. ____ (2007). Thus, Applicant respectfully submits that the Office has failed to prove a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests that the rejection be withdrawn.


With respect to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



/_____
Hunter E. Webb
Reg. No.: 54,593

Date: April 30, 2007

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

RAD/hew